

FIRST REGULAR SESSION

SENATE JOINT RESOLUTION NO. 13

94TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR VOGEL.

Read 1st time January 16, 2007, and ordered printed.

TERRY L. SPIELER, Secretary.

1333S.011

JOINT RESOLUTION

Submitting to the qualified voters of Missouri, an amendment repealing section 6 of article X of the Constitution of Missouri, and adopting one new section in lieu thereof relating to a property tax exemption for personal property of active duty military personnel.

Be it resolved by the Senate, the House of Representatives concurring therein:

That at the next general election to be held in the state of Missouri, on
2 Tuesday next following the first Monday in November, 2008, or at a special
3 election to be called by the governor for that purpose, there is hereby submitted
4 to the qualified voters of this state, for adoption or rejection, the following
5 amendment to article X of the Constitution of the state of Missouri:

Section A. Section 6, article X, Constitution of Missouri, is repealed and
2 one new section adopted in lieu thereof, to be known as section 6, to read as
3 follows:

Section 6. 1. All property, real and personal, of the state, counties and
2 other political subdivisions, and nonprofit cemeteries, shall be exempt from
3 taxation; all personal property held as industrial inventories, including raw
4 materials, work in progress and finished work on hand, by manufacturers and
5 refiners, **all personal property held for the entire tax year by any**
6 **resident of this state engaged in the performance of active duty in the**
7 **military service of the United States**, and all personal property held as
8 goods, wares, merchandise, stock in trade or inventory for resale by distributors,
9 wholesalers, or retail merchants or establishments shall be exempt from taxation;
10 and all property, real and personal, not held for private or corporate profit and
11 used exclusively for religious worship, for schools and colleges, for purposes
12 purely charitable, for agricultural and horticultural societies, or for veterans'
13 organizations may be exempted from taxation by general law. In addition to the

14 above, household goods, furniture, wearing apparel and articles of personal use
15 and adornment owned and used by a person in his home or dwelling place may
16 be exempt from taxation by general law but any such law may provide for
17 approximate restitution to the respective political subdivisions of revenues lost
18 by reason of the exemption. All laws exempting from taxation property other
19 than the property enumerated in this article, shall be void. The provisions of this
20 section exempting certain personal property of manufacturers, refiners,
21 distributors, wholesalers, and retail merchants and establishments from taxation
22 shall become effective, unless otherwise provided by law, in each county on
23 January 1 of the year in which that county completes its first general
24 reassessment as defined by law.

25 2. All revenues lost because of the exemption of certain personal property
26 of manufacturers, refiners, distributors, wholesalers, and retail merchants and
27 establishments shall be replaced to each taxing authority within a county from
28 a countywide tax hereby imposed on all property in subclass 3 of class 1 in each
29 county. For the year in which the exemption becomes effective, the county clerk
30 shall calculate the total revenue lost by all taxing authorities in the county and
31 extend upon all property in subclass 3 of class 1 within the county, a tax at the
32 rate necessary to produce that amount. The rate of tax levied in each county
33 according to this subsection shall not be increased above the rate first imposed
34 and will stand levied at that rate unless later reduced according to the provisions
35 of subsection 3. The county collector shall disburse the proceeds according to the
36 revenue lost by each taxing authority because of the exemption of such property
37 in that county. Restitution of the revenues lost by any taxing district contained
38 in more than one county shall be from the several counties according to the
39 revenue lost because of the exemption of property in each county. Each year after
40 the first year the replacement tax is imposed, the amount distributed to each
41 taxing authority in a county shall be increased or decreased by an amount equal
42 to the amount resulting from the change in that district's total assessed value of
43 property in subclass 3 of class 1 at the countywide replacement tax rate. In order
44 to implement the provisions of this subsection, the limits set in section 11(b) of
45 this article may be exceeded, without voter approval, if necessary to allow each
46 county listed in section 11(b) to comply with this subsection.

47 3. Any increase in the tax rate imposed pursuant to subsection 2 of this
48 section shall be decreased if such decrease is approved by a majority of the voters
49 of the county voting on such decrease. A decrease in the increased tax rate

50 imposed under subsection 2 of this section may be submitted to the voters of a
51 county by the governing body thereof upon its own order, ordinance, or resolution
52 and shall be submitted upon the petition of at least eight percent of the qualified
53 voters who voted in the immediately preceding gubernatorial election.

54 4. As used in this section, the terms "revenues lost" and "lost revenues"
55 shall mean that revenue which each taxing authority received from the imposition
56 of a tangible personal property tax on all personal property held as industrial
57 inventories, including raw materials, work in progress and finished work on hand,
58 by manufacturers and refiners, and all personal property held as goods, wares,
59 merchandise, stock in trade or inventory for resale by distributors, wholesalers,
60 or retail merchants or establishments in the last full tax year immediately
61 preceding the effective date of the exemption from taxation granted for such
62 property under subsection 1 of this section, and which was no longer received
63 after such exemption became effective. **As used in this section, the term**
64 **"active duty in the military service of the United States" shall include**
65 **a member of the national guard or of any reserve component of the**
66 **armed forces of the United States or who is a member of the United**
67 **States Army, the United States Navy, the United States Air Force, the**
68 **United States Marine Corps, the United States Coast Guard or an**
69 **officer of the United States Public Health Service detailed by proper**
70 **authority for duty with any branch of the United States armed forces**
71 **and who is engaged in the performance of active duty in the military**
72 **service of the United States in a military conflict in which reserve**
73 **components have been called to active duty under the authority of 10**
74 **U.S.C. Section 672(d) or 10 U.S.C. Section 673b or any such subsequent**
75 **call or order by the President or Congress.**

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